

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Antonius G. P. Oomens et al.

Confirmation No.: 9544

Application Serial No. 10/575,279

Group Art Unit: 1648

Filing Date: April 11, 2006

Examiner: Benjamin P. Blumel

For: RECOMBINANT VIRUSES
WITH HETEROLOGOUS
ENVELOPE PROTEINS

DECLARATION OF ANTONIUS G.P. OOMENS, Ph.D., UNDER 37 C.F.R. § 1.131

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I, Antonius G.P. OOMENS, Ph.D., hereby declare:

1. I am a co-inventor of the above-identified application.
2. I am presenting this Declaration to demonstrate that the claimed subject matter was invented in the U.S. before April, 2003.
3. Attached as Exhibit A is a section of laboratory notebook pages relating to an experiment entitled "Prepare simultaneously 381 and 392 stock to see if GP64 stabilizes RS." On this page, "stock" means a virus suspension; RS = human respiratory syncytial virus (HRSV); 381 = HRSV with glycoproteins deleted and substituted with GP64; 392 = wild-type HRSV with GFP marker gene inserted in place of a non-essential HRSV gene (i.e., control virus).
4. The fourth page of the Exhibit is dated January 3, 2003 ("1/3/03 Timepoint week 8"); the seventh page of the Exhibit is dated, for example, November 20, 2002 ("11/20/02").
5. This experiment was finished in early January, 2003. There is a graph clearly showing that 381, the recombinant virus with substituted GP64, remains stable over an 8-week time period whereas 392, the wild-type control, does not. The straight lines are the main experiment; the dotted lines are a duplication in which the samples were freeze-thawed prior to titrations. The results of the straight and dotted lines were the same, i.e., GP64-containing virus is much more stable. These